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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/482,023  | 01/13/2000  | Devendra T. Barot    |                     | 6462             |
| 23505   | 7590        | 11/09/2004           |                     |                  |
| CONLEY ROSE, P.C.<br>P. O. BOX 3267<br>HOUSTON, TX 77253-3267 |             |                      | EXAMINER            |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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|---------------------------------|-------------|---|---------------------|
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09/482,023

1/13/00

Barot

1927-00101

EXAMINER

Ridley

ART UNIT

PAPER

1764

102604

DATE MAILED:

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Commissioner for Patents

1. The Appeal Brief filed on 28 September 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

The statement of the status of all the claims, pending or cancelled, and identifying the claims appealed as required by 37 CFR 1.192(c)(3) in the brief is not correct because it does not identify claims 37-40 as being presently under appeal. Upon applicant's request the amendment filed on 28 September 2004 canceling said claims 37-40 has not been entered. See attached Interview Summary dated 27 October 2004.

2. The Appeal Brief filed on 27 May 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206. Said issues were first identified in Office action mailed on 24 August 2004.

The Appeal Brief filed on 27 May 2004 is defective for at least the reasons as set forth below:

The concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6) in the brief is not correct because said statement does not list the rejection of claims 31, 32 and 35 under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Takada et al. and further in view of Haneda et al.

The brief does not contain, for each rejection under 35 U.S.C. 103, an argument which specifies the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection, and an explanation how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument must explain why the references, taken as a whole do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not be properly combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of 37 CFR 1.192(c)(8)(iv).

Appellant's brief includes a statement that claims 10, 15, 17-20, 31, 32, 34 and 35 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). The applicant has selected claim 10 from the group and presented arguments regarding the grounds of rejection on the basis of that claim alone. The examiner notes that claim 10 does not properly represent the group, because claim 34 appears to be broader than claim 10.

3. To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c)

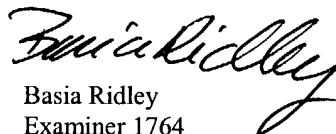
within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (571) 272-1453.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Technical Center 1700 General Information Telephone No. is (571) 272-1700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Basia Ridley  
Examiner 1764

BR  
27 October 2004

Attachment(s):  
Interview Summary (PTO-413) Dated 27 October 2004